

REMARKS

Claims 39-45, 47-53, and 55-58 are pending.

Claim 47 is amended.

35 U.S.C. 112

Examiner rejected claims 47-53 and 55-58 under 35 U.S.C. 112, second paragraph. It is noted that Examiner's rejection indicates that Examiner did not enter the amendments Applicants proposed in the response submitted on April 1, 2008. Claim 47 has been amended in the manner suggested by Examiner in the latest office action. Because this amendment only modifies the form of the preamble, it does not raise new issues for examination.

35 U.S.C. 103

Examiner rejected claims 39-45, 47-53, and 55-58 under 35 U.S.C. 103(a) as unpatentable over Pallakoff (U.S. Patent No. 6,269,343) in view of Allsop (U.S. Patent No. 5,970,372), in combination with Ross (U.S. Patent No. 6,629,135).¹ For the reasons described below, Applicants respectfully traverse these rejections.

Independent claims 39 and 47 each recite (1) "a tag associated with [a] referring website," (2) "a request for information comprising [the] tag," and (3) "responsive to [] the tag, selecting for a referring website an on-line group buying sale." This selection can be performed efficiently, in real-time, based on information communicated by the tag as part of the request. This is beneficial in an embodiment, for example, where the tag may reflect potential buyers' purchase and shopping preferences, and thus the selected on-line group

¹ The office action fails to include Allsop in its summary 35 U.S.C. 103 rejection on page 4, but refers to this reference on page 6.

buying sale is more likely to be successful.

None of the references, alone or in combination, suggests or discloses the claimed elements. The Examiner admits that Pallakoff does not disclose these elements. Allsop, cited for these elements, in contrast, describes an “HTML tag [that] includes an identification of the dealer. In response to this tag, the browser automatically causes a validation request to be transmitted over the Internet to the server.” (Allsop, 5:35-40) Thus, while Allsop discloses a tag that triggers a request to validate a dealer, the tag is neither associated with a referring website, nor included in a request for information, nor used to select a sale, as claimed. Ross is cited by Examiner for other reasons, and neither discloses or suggests “tag” or “tags.” Likewise, while the cited portion of Pallakoff describes displaying offers on one or more websites (Pallakoff, 9:32-41, 9:50-55), it fails to describe the selection of offers for particular websites, much less that any selection is performed responsive to a tag. Adding Allsop’s dealer tag to Pallakoff at best yields displaying offers on one or more websites, which include an HTML tag that identifies a dealer, and thereby triggers a validation request to validate the dealer. But that combination fails to disclose or suggest “responsive to [] the tag, selecting for a referring website an on-line group buying sale” as claimed.

For at least these reasons, independent claims 39 and 47, and the remaining claims that depend from them, are patentable over the references. On the basis of the above, the early allowance of all claims, or at least a new final office action (since at least independent claim 39 is unamended) is hereby requested.

If Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
TOM VAN HORN *et al.*

Dated: June 30, 2008

By: /Robert R. Sachs/
Robert R. Sachs, Reg. #42,120
Attorney for Applicants
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (415) 875-2410